

REMARKS

Claims 1-21 are currently pending in the application. Applicant acknowledges the Examiner's view that the information disclosure statements filed September 9, 2002 and January 28, 2003 fail to comply with the provisions of 37 C.F.R. §§ 1.97-98 and M.P.E.P. § 609 on the basis that neither an appropriate statement of relevance nor an appropriate English translation has been provided. Applicant has addressed this issue by separate submission of Supplemental IDS providing English language abstracts of the cited references.

The claimed invention provides, *inter alia*, a network scanner apparatus capable of directly transmitting an image data signal from a scanner device to a personal computer (PC) without using the intermediary of a mail server or other server apparatus. According to the claimed invention, there is a network scanner apparatus 100 which includes an operation portion 1, a one touch button memory portion 2, a network setting memory portion 3, a readout transmitting control portion 4, a paper readout portion 5, an image storing portion 6, a transmission portion 7, a protocol control portion 8, a transport control portion 9, a network control portion 10, and a data link control portion 11. The image storing portion 6 stores the image data signal inputted from the paper readout portion 5, and produces the stored image data signal by controlling the transmission portion 7. The transmission portion 7 captures the image data signal from the image storing portion 6 on the basis of the transmission requirement from the readout transmitting control portion 4 to convert the data signal, and transmits to the IP address of the transmitting destination designated by the transmission requirement using the protocol control portion 8. This data conversion is carried out so as to comply with the protocol used by the protocol control portion 8, which may be Simple Mail Transfer Protocol (SMTP), File Transfer Protocol (FTP), or another protocol. There is also, according to the claimed invention, a PC 300 which comprises an operation portion 301, a network setting memory portion 302, an image storing portion 303, a receiving portion 304, a protocol control portion 305, a transport control portion 306, a network control portion 307, and a data link control

portion 308. Other features are also provided according to the claimed invention.

The network scanner apparatus is connected to at least one terminal (which may comprise any one of a PC and a workstation) via an Ethernet 200 or other network, such that, *inter alia*: a control portion 4 controls the network by the use of a Transmission Control Protocol (TCP) and an Internet Protocol (IP); a readout portion 5 reads out a paper to produce an image data signal; an operation portion 1 inputs an IP address as a transmitting destination of the image data signal; and a transmission portion 7 directly transmits the image data signal to the terminal having the inputted address. The operation portion 1 may comprise a one-touch button memory portion 2 which stores the IP address in advance, and the transmission portion 7 may transmit the image data signal to the terminal using either a protocol such as SMTP, FTP, or another protocol. There may be a first and a second terminal, with the first terminal connected to the second terminal via a router. The image data signal could be directly transmitted to the terminal without using a server, and the readout image data signal could be directly transmitted to the terminal via TCP/IP protocol using the IP address as the transmitting destination in the network scanner apparatus. Consequently, the image data signal may be transmitted without the intermediary of a mail server or other server apparatus on the network, which has the effect of enhancing the controllability of the network by reducing the load on the server. Furthermore, where the IP address is inputted by the use of a one-touch button, the input operation is simplified.

Claims 1, 3-9, 11-14, 16-18, and 20-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,862,202 to Bashoura et al. in view of W. Richard Stevens, TCP/IP Illustrated: The Protocols, Chapters 17 and 28 (1994) (hereinafter, "Stevens"). Claims 2, 10, 15, and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bashoura et al. in view of Stevens and in further view of U.S. Patent No. 6,674,537 to Kadowaki. Applicant respectfully traverses these rejections as discussed below.

Claims 1, 3-9, 11-14, 16-18, and 20-21

Applicant traverses the rejection of Claims 1, 3-9, 11-14, 16-18, and 20-21 on

the basis that the combination of a fax routing system and method, such as Bashoura et al., with information from a text on the use of TCP and SMTP, such as Stevens, would not result in the claimed invention. In addition, with reference to the Examiner's reliance on Official Notice in rejecting Claims 6 and 7, Applicant respectfully traverses on the basis that the Examiner's comments constitute impermissible hindsight and an improper assertion of technical fact in an area of esoteric technology without support by citation of any reference work. *See* M.P.E.P. § 2144.03 (citing *In re Ahlert*, 424 F.2d 1088, 1091, 165 U.S.P.Q. 418, 422-21 (C.C.P.A. 1970)).

Bashoura et al. discloses a local fax machine 1 which is connected to a fax director 3 which, in turn, is connected to a local computer 5 containing a table 7. There is also, according to Bashoura et al. a fax sender 9, which may be connected to the fax director 3 by a line 11 and to a local computer 5 by a line 13. Only one of such connections is actually needed. There is also, according to Bashoura et al., a connection between the fax sender 9 and the Internet 15. Other types of connections to the Internet 15 may advantageously be utilized according to Bashoura et al., such as a remote computer 19 connected to a remote printer 21. The fax director 3 may also be connected to the telephone system 25 over a telephone line 23, with the result that a remote fax machine 27 or other devices may be used in connection with the invention of Bashoura et al. The fax may be received by a fax converter 43 in the fax director 3 which converts the received fax into a computer file, which may be delivered to the local computer 5 and stored in the fax storage area 51. The Internet address corresponding to the telephone number to which the fax is to be sent may then be obtained from the table 7 in the computer 5. If the Internet address is an IP address, the FTP software 55 may cause the computer file to be delivered via FTP. If the Internet address is an email address, the email software 53 may cause the computer file to be delivered as an email attachment.

The chapters of Stevens referenced by the Examiner provide general information on TCP and SMTP. Other than general information on the use of TCP and SMTP, the Examiner does not contend that the referenced chapters of Stevens

contain any discussion relevant to the substance of the claimed invention.

Claims 1, 3-9, 11-14, 16-18, and 20-21 of the claimed invention, by contrast, do not discuss the transmission, delivery, or reception of faxes, whereas Bashoura et al. is limited to fax applications by the terms of its specification, claims, and drawings. Stevens provides only general information on the use of TCP and SMTP and, therefore, does not make up for the deficiencies of Bashoura et al. The combination proposed by the Examiner does not, therefore, provide a network scanner apparatus which is capable of directly transmitting an image data signal from a scanner device to a PC without using a mail server or other server apparatus, which is the problem addressed by the claimed invention. While the combination proposed by the Examiner could *arguendo* result in a system and method which made some use of TCP and SMTP for the routing of faxes, the result would not be equivalent to the claimed invention. Additional traversals are as follows:

Claim 1. The Examiner's rejection of Claim 1 as unpatentable over Bashoura et al. in view of Stevens overlooks the essence of Bashoura et al., which is expressly directed to the specialized technology of faxes and to providing a system and method for the routing of faxes, while faxes are not discussed in Claim 1. Stevens provides only general information on the use of TCP and SMTP and, therefore, does not make up for the deficiencies of Bashoura et al. Claim 1 is patentable over Bashoura et al. in view of Stevens and should be allowed.

Claims 9, 14, and 18. The Examiner has rejected Claims 9, 14, and 18 for the same reasons Claim 1 was rejected, and the rejection of Claims 9, 14, and 18 is therefore traversed on the same basis as the rejection of Claim 1.

Claim 3. As with the rejection of Claim 1, the Examiner's rejection of Claim 3 as unpatentable over Bashoura et al. in view of Stevens overlooks the essence of Bashoura et al., which is expressly directed to the specialized technology of faxes and to providing a system and method for the routing of faxes, while faxes are not discussed in Claim 3. Stevens provides only general information on the use of TCP and SMTP and, therefore, does not make up for the deficiencies of Bashoura et al. Claim 3 is patentable over Bashoura et al. in view of Stevens and should be allowed.

Claims 11, 16, and 20. The Examiner has rejected Claims 11, 16, and 20 for the same reasons Claim 3 was rejected, and the rejection of Claims 11, 16, and 20 is therefore traversed on the same basis as the rejection of Claim 3.

Claim 4. The Examiner's rejection of Claim 4 as unpatentable over Bashoura et al. overlooks the essence of Bashoura et al., which is expressly directed to the specialized technology of faxes and to providing a system and method for the routing of faxes, while faxes are not discussed in Claim 4. Claim 4 is patentable over Bashoura et al. and should be allowed.

Claims 12, 17, and 21. The Examiner has rejected Claims 12, 17, and 21 for the same reasons Claim 4 was rejected, and the rejection of Claims 12, 17, and 21 is therefore traversed on the same basis as the rejection of Claim 4.

Claim 5. The Examiner's rejection of Claim 5 as unpatentable over Bashoura et al. overlooks the essence of Bashoura et al., which is expressly directed to the specialized technology of faxes and to providing a system and method for the routing of faxes, while faxes are not discussed in Claim 5. Claim 5 is patentable over Bashoura et al. and should be allowed.

Claim 6. The Examiner's rejection of Claim 6 as unpatentable over Bashoura et al. overlooks the essence of Bashoura et al., which is expressly directed to the specialized technology of faxes and to providing a system and method for the routing of faxes, while faxes are not discussed in Claim 6. In addition, Applicant respectfully traverses the Examiner's reliance on Official Notice in rejecting Claim 6 on the basis that the Examiner has, in this regard, engaged in impermissible hindsight and an improper assertion of technical fact in an area of esoteric technology without support by citation of any reference work. See M.P.E.P. § 2144.03 (citing *In re Ahlert*, 424 F.2d 1088, 1091, 165 U.S.P.Q. 418, 422-21 (C.C.P.A. 1970)). Claim 6 is patentable over Bashoura et al. and should be allowed.

Claim 7. The Examiner's rejection of Claim 7 as unpatentable over Bashoura et al. overlooks the essence of Bashoura et al., which is expressly directed to the specialized technology of faxes and to providing a system and method for the routing of faxes, while faxes are not discussed in Claim 7. As with Claim 6, Applicant

respectfully traverses the Examiner's reliance on Official Notice in rejecting Claim 7 on the basis that the Examiner has, in this regard, engaged in impermissible hindsight and an improper assertion of technical fact in an area of esoteric technology without support by citation of any reference work. *See* M.P.E.P. § 2144.03 (citing *In re Ahlert*, 424 F.2d 1088, 1091, 165 U.S.P.Q. 418, 422-21 (C.C.P.A. 1970)). Claim 7 is patentable over Bashoura et al. and should be allowed.

Claim 8. The Examiner's rejection of Claim 8 as unpatentable over Bashoura et al. overlooks the essence of Bashoura et al., which is expressly directed to the specialized technology of faxes and to providing a system and method for the routing of faxes, while faxes are not discussed in Claim 8. Furthermore, the Examiner's observation that Bashoura et al. does not discuss servers underscores that fact that Bashoura et al. does not recognize the problem addressed by the claimed invention, which is to provide a network scanner apparatus which is capable of directly transmitting an image data signal from a scanner device to a PC without using a mail server or other server apparatus. Claim 8 is patentable over Bashoura et al. and should be allowed.

Claim 13. The Examiner has rejected Claim 13 for the same reasons Claim 8 was rejected, and the rejection of Claim 13 is therefore traversed on the same basis as the rejection of Claim 8.

Claims 1, 3-9, 11-14, 16-18, and 20-21 are, therefore, not anticipated by Bashoura et al. in view of Stevens and should be allowed.

Claims 2, 10, 15, and 19

Applicant traverses the rejection of Claims 2, 10, 15, and 19 on the basis that the combination of a fax routing system and method, such as Bashoura et al., with information from a text on the use of TCP and SMTP, such as Stevens, and with a data processing method in a network system connected to an image processing apparatus, such as Kadowaki, would not result in Claims 2, 10, 15, and 19 of the claimed invention.

Claims 2, 10, 15, and 19 do not discuss the transmission, delivery, or reception of faxes, to which Bashoura et al. is expressly limited by the terms of its specification,

claims, and drawings. Similarly, the passage from Kadowaki which the Examiner has cited on one-touch dialing makes specific reference to fax applications. (Kadowaki, column 16, lines 41-57) Stevens, meanwhile, provides only general information on the use of TCP and SMTP and, therefore, does not make up for the deficiencies of Bashoura et al. or Kadowaki. Finally, Kadowaki discloses a data processing method in a network system connected to an image processing apparatus, with particular attention in the disclosure to embodiments involving fax applications. The combination proposed by the Examiner does not, therefore, provide a network scanner apparatus which is capable of directly transmitting an image data signal from a scanner device to a PC without using a mail server or other server apparatus, which is the problem addressed by the claimed invention. Additional traversals are as follows:

Claim 2. The Examiner's rejection of Claim 2 as unpatentable over Bashoura et al. in view of Stevens and further in view of Kadowaki overlooks the essence of Bashoura et al., which is expressly directed to the specialized technology of faxes and to providing a system and method for the routing of faxes, while faxes are not discussed in Claim 2. Likewise, the passage from Kadowaki cited by the Examiner on one-touch dialing also makes specific reference to fax applications. (Kadowaki, column 16, lines 41-57). Stevens provides only general information on the use of TCP and SMTP and, therefore, does not make up for the deficiencies of Bashoura et al. and Kadowaki. Claim 2 is patentable over Bashoura et al. in view of Stevens and in further view of Kadowaki and should be allowed.

Claims 10, 15, and 19. The Examiner has rejected Claims 10, 15, and 19 for the same reasons Claim 2 was rejected, and the rejection of Claims 10, 15, and 19 is therefore traversed on the same basis as the rejection of Claim 2.

Claims 2, 10, 15, and 19 are, therefore, not anticipated by Bashoura et al. in view of Stevens and in further view of Kadowaki and should be allowed.

Conclusion

In view of the foregoing, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The

WN-2298

Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael E. Whitham', written over the typed name.

Michael E. Whitham
Registration No.32,635

Whitham, Curtis & Christofferson, P.C.
11491 Sunset Hills Road, Suite 340
Reston, Virginia 20190
Tel. (703) 787-9400
Fax. (703) 787-7557
Customer # 30743